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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/008,271

11/09/2001

James P. Freyensee

5181-96500

2600

7590

12/29/2005

Lawrence J. Merkel

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EXAMINER

PHAN, THAI Q

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,271

Applicant(s)

FREYENSEE ET AL.

Examiner

Thai Q. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7 & 10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to applicants' amendment filed on 10/06/2005.

Claims 1-39 are pending in the action.

Information Disclosure Statement

Information Disclosure Statements filed on 07/25/2005 and 10/06/2005 are being considered.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al, US patent application publication no. 2003/0005200 A1.

As per claim 1, Kumar anticipates a method and system for simulating and supporting a hot plug or hot pull process or node to its operating system with feature limitations very identical to the claimed invention. According to Kumar, the method includes steps

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Configuring a first node configured to participate in a simulation of a system under test, the configured node is to simulate the component under test [0016]-[0019],

A second node or processor configured to transmit a hot plug or hot pull command to the design

Configuring a second network node to transmit a pull command designating to the first node ([0022] - [0025]), and

Responsive to the hot pull command, the first node simulates a removal or addition of the component from the system under test ([0030]-[0053]).

As per claims 2-3, Kumar anticipates the claimed limitations such as a plurality of network nodes/components and node configuration to simulate system under test, component to component connection, etc ([0030]-[0050]).

As per claims 4-10, Kumar discloses a network manager or the claimed hub to connect and configure components connected to the network ([0033]-[0036]).

As per claims 11-12, Kumar anticipates a method and system for simulating and supporting a hot plug or hot pull process or node to its operating system with feature limitations very identical to the claimed invention. According to Kumar, the method includes steps

Configuring a first node configured to participate in a simulation of a system under test, the configured node is to simulate the component under test [0016]-[0019],

A second node or processor configured to transmit a hot plug or hot pull command to the design

Configuring a second network node to transmit a pull command designating to the first node ([0022] - [0025]), and

Responsive to the hot pull command, the first node simulates a removal or addition of the component from the system under test ([0030]-[0053]).

As per claim 12, Kumar anticipates a step of ceasing participation because the process power is pulled down for processing swapping or hot-pull process when the device with new configuration data changes.

As per claims 13-19, Kumar anticipates the claimed limitations such as a plurality of network nodes and node configuration to simulate, verify, and support the verification of a system under test, component-component connections, etc. Kumar also discloses a network manager or the claimed hub to connect and configure components connected to the network ([0030]-[0053]).

Claims 21-39 are directed to a computer program product and system to execute the program product for performing steps in claims 1-20 above. Similarly, claims 21-39 are also rejected under the same rationales as set forth.

Response to Arguments

Applicant's arguments with respect to amended claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US patent no. 5,870,588, issued to Rompaey et al, on Feb. 1999
2. US patent no. 5,881,267, issued to Dearth et al, on Mar. 1999
3. US patent no. 6,188,975, issued to Gay, Donald, on Feb. 2001
4. US patent no. 6,449,732, issued to Rasmussen et al, on Sept. 2002
5. US patent application publication no. 2002/0188910, issued to Zizzo, Claudio, on Dec. 2002
6. US patent application publication no. 2003/0056182, issued to Rosenbaum et al, on Mar. 2003

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thai Phan whose telephone number is 571-272-3783.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dec. 19, 2005


Thai Phan
Patent Examiner